

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**ADELE GLENN, Independent
Administrator of the Estate of Ivan L.
Lester, Deceased,**

Plaintiff,

v.

**COVENANT CARE MIDWEST, INC.,
d/b/a CEDAR RIDGE HEALTHCARE
CENTER, and COVENANT CARE
MIDWEST, INC.,**

Defendants.

Cause No. 06-CV-234-WDS

ORDER

STIEHL, District Judge:

Before the Court are defendant's motion to dismiss for lack of prosecution (Doc. 18), and a motion to withdraw as attorney (Doc. 19) filed by plaintiff's counsel.

At some point during the pendency of this litigation, the administrator of the estate was diagnosed with cancer and underwent medical treatment. Plaintiff was unable to participate in discovery, and defendant moved for dismissal for want of prosecution, or in the alternative, to amend the scheduling order and continue the trial date. (Doc. 12). Magistrate Judge Clifford J. Proud determined that dismissal was not appropriate at that time (Doc. 14), and amended the scheduling order to give plaintiff more time to complete her duties (Doc. 15), but noted that plaintiff must either "participate in discovery, be replaced with another administrator, or be prepared to face the consequences, which include dismissal of the case for want of prosecution (Doc. 15). When plaintiff continued to neglect her duties in this case, Magistrate Judge Proud

determined that a new administrator of the estate was needed. (Doc. 17). Plaintiff has been given ample time to appoint a new administrator, but has, through no fault of her counsel, failed to do so. She has not participated in discovery or shown a willingness to proceed in this matter.

For the reasons set forth above, defendant's motion to dismiss for lack of prosecution (Doc. 18) is **GRANTED**. This matter is hereby **DISMISSED** without prejudice. Further, for good cause shown, counselor Staci M. Yandle's motion to withdraw as plaintiff's attorney (Doc. 19) is **GRANTED**. Ms. Yandle is **DIRECTED** to comply with Local Rule 83.1(g) when notifying plaintiff of her withdrawal.

IT IS SO ORDERED.

DATED: April 12, 2007.

s/ WILLIAM D. STIEHL
DISTRICT JUDGE